

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.2189 OF 2024

ORDER:

This Criminal Petition is filed by the petitioner – Accused No.6 under Sections 437 and 439 of Code of Criminal Procedure, 1973 (for short “Cr.P.C”), to release him on regular bail in Crime No.1066 of 2022 on the file of Cyber Crime Police Station, Hyderabad District, registered for the offences punishable under Sections 66(C), 66(D) of Information Technology Act, 2000 (for short, ‘IT Act’) and Sections 419, 420 of Indian Penal Code, 1860 (for short, ‘IPC’).

2. The case of the prosecution in brief was that on 13.06.2022 at 11:30 hrs, the *de facto* complainant an IT Employee lodged a report before the police stating that she received an SMS on her phone number from 918008669413 with a link <http://bitly.ws/e8NB> and she got a call from 91934219024 on June 10th at 9:16 p.m asking for OTP to unblock the inactive account and when she gave the OTP, she lost an amount of Rs.6,83,928/-. Basing on the said report, the above crime was registered for the above offences.

3. Heard the learned counsel for the petitioner-Accused No.6 and the learned Additional Public Prosecutor.

4. Learned counsel for the petitioner submitted that the petitioner belonged to the State of West Bengal and it was a case of online fraud which required most sophisticated technology. The petitioner was a sales man. The alleged mobile phone number used for committing the offence had not been registered in the name of the petitioner. The petitioner was languishing in jail for the past 4 months, the entire investigation is completed except filing the charge-sheet and prayed to enlarge the petitioner on bail.

5. Learned Additional Public Prosecutor stated that the petitioner was supplying SIM cards to the other accused persons and a mobile phone used in the offence was recovered from the petitioner, as the petitioner belonged to the State of West Bengal, if he was released on bail, he might not be available for trial and prayed to dismiss the petition.

6. Perused the record.

7. Considering that the complaint was filed against

unknown persons and the role of the petitioner was stated by the police that he was providing SIM cards to the other accused. Without any specific details, a person cannot be kept in custody for a long time and as the petitioner was in judicial custody since 07.08.2023 and the police have produced him on PT Warrant in this case on 14.11.2023, it is considered fit to enlarge the petitioner on bail.

8. Accordingly, this Criminal Petition is allowed and the petitioner – accused No.6 shall be released on regular bail subject to the following conditions:

- i) The petitioner/Accused No.6 shall execute a personal bond for a sum of Rs.25,000/- (Rupees Twenty five thousand only) with two sureties for a like sum each to the satisfaction of the learned XII Additional Chief Metropolitan Magistrate, at Hyderabad.
- ii) The petitioner/Accused No.6 shall abide by the conditions stipulated in Section 437(3) of Cr.P.C.

Miscellaneous applications, pending if any, shall stand closed.

Dr. G.RADHA RANI, J

Date:06.03.2024
dgr